

Message Text

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ACTION EUR-25

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

ACDA-19 NEA-10 GAC-01 TRSE-00 MBFR-03 SAJ-01 OMB-01

EURE-00 RSR-01 /140 W

----- 026106

P R 101524 Z MAY 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 4959

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

USMISSION BERLIN

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BONN 06722

E. O. 11652: GDS

TAGS: PFOR, PGOV, GW, GE, WB, UR, UN

SUBJECT: UN ENTRY OF TWO GERMAN STATES

REF: A. BONN 5356; B. BONN 6285; C. BONN 6306;

D. BONN 6139; E. BONN 6324

SUMMARY: FURTHER DISCUSSION OF UN ENTRY QUESTION IN
RECENT BONN GROUP MEETINGS HAS COVERED FOLLOWING TOPICS:

(A) SOVIET PRESIDENCY OF SECURITY COUNCIL IN JUNE;
(B) REFERENCE OF APPLICATIONS TO MEMBERSHIP COMMITTEE;
(C) SCHEEL LETTER TO UN SECRETARY GENERAL ON EXTENSION
OF CHARTER TO BERLIN; AND (D) TIMING AND CONTENT OF
CONSULTATIONS WITH SOVIETS. END SUMMARY.

1. SOVIET PRESIDENCY OF SECURITY COUNCIL IN JUNE:

THE US REP HAS PRESENTED TO THE BONN GROUP CONSIDERA-
TIONS DETAILED BY USUN (USUN 1594) ON THE ADVISABILITY
OF WAITING UNTIL THE US OR UK HAVE ASSUMED THE
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PRESIDENCY. ALLIED AND FRG REPS HAVE AGREED THAT ADDITIONAL DIFFICULTIES MIGHT BE ENCOUNTERED, BUT DO NOT THINK THAT THE ADVANTAGES IN WAITING WOULD BE GREAT ENOUGH TO JUSTIFY POSTPONING THE PROCEDURE UNTIL JULY OR AUGUST. THE FONOFF REP (BRAEUTIGAM) WAS OF THE VIEW THAT THE MAIN PURPOSE OF PRIOR CONSULTATIONS WITH THE SOVIETS WOULD BE TO IRON OUT SUCH DIFFICULTIES AND THAT IF THEY COULD NOT BE CLEARED UP BEFOREHAND, THE SOVIETS WOULD CAUSE TROUBLE IN THE SECURITY COUNCIL WHETHER THEY HELD THE PRESIDENCY OR NOT. THE UK AND FRENCH REPS HAVE AGREED WITH THESE VIEWS. EMBASSY COMMENT: SINCE THE UN ENTRY PROCEDURE REMAINS CLOSELY TIED TO ENTRY INTO FORCE OF THE BASIC TREATY, THE FEDERAL GOVERNMENT WILL PROBABLY BE UNWILLING TO CONSIDER ANY DELAY, NO MATTER HOW CONVINCING THE REASONS MAY BE. END COMMENT.

2. REFERENCE OF APPLICATIONS TO UN MEMBERSHIP COMMITTEE: SPEAKING ON INSTRUCTIONS FROM LONDON, THE UK REP (CROMARTIE) SAID AT THE BONN GROUP MEETING ON MAY 9 THAT HIS AUTHORITIES SAW ADVANTAGE IN INCLUDING THE MEMBERSHIP COMMITTEE IN THE UN ENTRY PROCESS. THEY AGREED WITH THE US VIEW THAT USE OF THE MEMBERSHIP COMMITTEE HAD BECOME STANDARD PROCEDURE IN RECENT YEARS AND THOUGHT THAT THE PROCESS MIGHT EVEN GO MORE SMOOTHLY IF THE COMMITTEE WERE USED. THE UK BASED THIS VIEW ON THEIR UNDERSTANDING THAT IF AN APPLICATION IS SUBMITTED FIRST TO THE MEMBERSHIP COMMITTEE, MOST OF THE DISCUSSION TAKES PLACE IN THIS FORUM RATHER THAN IN PLENARY SESSION OF THE SECURITY COUNCIL. THUS, IF THERE WERE ANY DISPUTES PRIOR TO THE VOTE, THEY COULD BE IRONED OUT IN THE MEMBERSHIP COMMITTEE, WHICH COULD DEBATE AS LONG AS NECESSARY TO REACH A COMMON VIEW FOR PRESENTATION TO THE SECURITY COUNCIL ITSELF. SINCE THE MEMBERSHIP COMMITTEE IS COMPOSED OF ALL MEMBERS OF THE SECURITY COUNCIL, ANY DISSENTING VIEWS WOULD BE HEARD THERE TOO, WITHOUT BECOMING PART OF THE PUBLIC RECORD.

3. CROMARTIE SAID THAT IT WAS HIS UNDERSTANDING THAT USE OF THE MEMBERSHIP COMMITTEE ALSO MADE THE QUESTION OF SPONSORSHIP MORE SIMPLE. SINCE THE COMMITTEE USUALLY PRESENTED A UNANIMOUS RESOLUTION TO THE SECURITY COUNCIL, IT WOULD BE NECESSARY FOR ONLY ONE OF THE FOUR POWERS TO INTRODUCE A DRAFT RESOLUTION IN THE MEMBERSHIP COMMITTEE.

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COMMITTEE WHICH COULD THEN BE RECOMMENDED UNANIMOUSLY TO THE SECURITY COUNCIL. AGAIN, ANY DEBATE WOULD BE KEPT IN THIS FORUM. CROMARTIE SAID THE UK WOULD FORESEE THE FOLLOWING SCENARIO: (A) REFERENCE OF APPLICATIONS TO MEMBERSHIP COMMITTEE; (B) ACTION BY SECURITY COUNCIL, POSSIBLY ON SAME DAY; (C) REMARKS BY THREE POWER REPS AFTER SC VOTE.

4. THE FRG REP (BRAEUTIGAM) WAS ATTRACTED BY THIS APPROACH AND SAID HE WOULD RECOMMEND IT TO HIS AUTHORITIES. THE FRENCH REP SAID HE ALSO THOUGHT IT WOULD BE A GOOD IDEA. EMBASSY COMMENT: WE WOULD APPRECIATE CONFIRMATION FROM USUN OR THE DEPARTMENT THAT THE BRITISH UNDERSTANDING OF PROCEDURES IN THE MEMBERSHIP COMMITTEE IS CORRECT. IF IT IS, WE TOO WOULD SEE

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GREAT ADVANTAGE IF CONFINING SUBSTANTIVE DEBATE AS MUCH AS POSSIBLE TO THIS FORUM. END COMMENT.

5. LETTER TO SECURITY COUNCIL ON REPRESENTATIVE OF BERLIN: BRAEUTIGAM SAID IT HAD BEEN DECIDED THAT THIS LETTER WOULD COME FROM THE FOREIGN MINISTER HIMSELF.

6. CONSULTATION WITH SOVIETS: AS DISCUSSIONS OF UN ENTRY HAVE PROGRESSED, IT HAS BECOME INCREASINGLY CLEAR THAT THE TIMING AND CONTENT OF CONSULTATIONS WITH THE SOVIETS MUST BE CONSIDERED CAREFULLY. THERE CONTINUES TO BE AGREEMENT, AS NOTED IN PARA 6 OF REF (B) THAT AN

INITIAL CONTACT SHOULD BE MADE SOON AFTER FINAL
BUNDESTAG ACTION ON UN ENTRY LEGISLATION. THE FURTHER
QUESTION IS HOW MUCH TIME WILL BE NEEDED BEFORE
SECURITY COUNCIL ACTION TO WORK OUT DETAILS WITH THE
SOVIETS. SUBMISSION OF FRG AND GDR APPLICATIONS MAY BE
DETERMINED BY A TIMETABLE WHICH CANNOT BE COORDINATED
WITH PROGRESS OR LACK THEREOF IN THE ALLIED- SOVIET
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CONSULTATIONS. THE DETERMINING FACTORS HERE WILL
PROBABLY BE ENTRY INTO FORCE OF THE BASIC TREATY AND
AGREEMENT ON ESTABLISHMENT OF THE RESPECTIVE PERMANENT
MISSIONS, AND THE FRG MAY FEEL OBLIGED TO AGREE TO
SUBMISSION OF APPLICATIONS, EVEN THOUGH OUR DELIBERATIONS
HAVE NOT BEEN COMPLETED. THE FONOFF REP (BLECH) HAS
SAID THAT THE FRG WILL PROBABLY ATTEMPT TO PRESS THE
GDR TO ELIMINATE THE THREE DAY INTERVAL BETWEEN
SUBMISSION OF APPLICATIONS AND ENTRY INTO FORCE OF THE
GRT (BONN 6115) AND THE FRG WILL OBVIOUSLY SEE ITS
WIDER INTERESTS SERVED BY MOVING RAPIDLY TO SUBMISSION
OF APPLICATIONS.

7. THUS, TO ENSURE THAT ANY DIFFICULTIES WHICH MAY BE
ENCOUNTERED CAN BE IRONED OUT, BONN GROUP REPS HAVE
AGREED THAT THE THREE POWERS SHOULD PROBABLY PROPOSE
COMMENCEMENT OF DETAILED CONSULTATIONS AT ABOUT THE
SAME TIME AS IT BECOMES CLEAR THAT FINAL APPROVAL WILL
BE OBTAINED. IF PRESENT PROGNOSSES HOLD TRUE (BONN 6651)
THIS COULD COME AS EARLY AS THE LAST WEEK IN MAY.
EVEN IF THE CDU LAENDER DO VOTE AGAINST THE UN
LEGISLATION IN THE BUNDESRAT, FONOFF REPS HAVE POINTED
OUT TO US THAT WHEN SUBMITTING THE BILL TO THE BUNDESRAT,

THE FEDERAL GOVERNMENT MADE CLEAR THAT IT DID NOT AGREE
WITH THE BUNDESRAT DECISION THAT THE LEGISLATION WAS
" ZUSTIMMUNGSBEDUERFTIG". UNDER FRG PARLIAMENTARY PRO-
CEDURES, THIS MEANS THAT EVEN IF THE BILL WERE TURNED
DOWN BY THE BUNDESRAT, WHICH WE REPEAT IS UNLIKELY, THE
FEDERAL GOVERNMENT COULD OBTAIN FURTHER BUNDESTAG
APPROVAL AND THEN PRESENT THE LEGISLATION TO THE FEDERAL
PRESIDENT WITH THE COMMENT THAT THERE WAS DISAGREEMENT
BETWEEN THE TWO HOUSES AS TO WHETHER BUNDESRAT APPROVAL
WAS A PRECONDITION. THE DECISION WOULD BE UP TO THE
PRESIDENT; UNDER PRESENT CIRCUMSTANCES IT WOULD BE SAFE
TO ASSUME THAT HE WOULD SIGN THE LEGISLATION, AT WHICH
POINT THE CDU- CONTROLLED BUNDESRAT COULD PREVENT
PROMULGATION OF THE BILL BY ASKING THE FEDERAL CONSTI-
TUTION COURT IN KARLSRUHE FOR A RULING ON ITS
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" ZUSTIMMUNGSBEDUERFTIGKEIT". HOWEVER, WE CAN PROBABLY
SAFELY ASSUME THAT THE FRG WILL BE READY TO SUBMIT ITS
APPLICATION BY MID- OR LATE JUNE.
HILLENBRAND

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